

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED (I)

2015 APR 14 P 3:32

KENNETH C. CARTER

Creditor/Objector

V
In re

CITY OF DETROIT, MICHIGAN,
Debtor/Municipality

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT
Chapter 9

Case No. 13-53846

Magistrate Judge:

Thomas J. Tucker

**OBJECTION TO NOTICE OF MOTION OF THE CITY OF DETROIT,
PURSUANT TO SECTIONS 105(a) AND 502(c) OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULE 3021, FOR AN ORDER APPROVING
RESERVE AMOUNT FOR CERTAIN DISPUTED OR UNLIQUIDATED
UNSECURED CLAIMS IN CONNECTION WITH DISTRIBUTIONS TO
BE MADE UNDER THE EIGHTH AMENDED PLAN FOR THE ADJUST-
MENT OF THE CITY OF DETROIT**

NOW COMES the above creditor/objector in this response object to the document disguised as a notice, pursuant to Section 105(a) and 502(c) of the bankruptcy code and bankruptcy rule 3021 for an order approving reserve amount for certain disputed or unliquidated unsecured claims in connection with distributions to be made under the Eighth Amended Plan for the Adjustment of the city of Detroit and for the following reasons:

- 1) The Plan of Adjustment, confirmation of the plan and anything connect-

ed or stemming from the plan of Adjustment was not filed in good faith manner and has to complied with the Fed. R. of bankruptcy procedures 2002(f) and code 11 USC 923 governing the notice. There have been numerous objections to the violations of your way of so called notifying peoples in the following objection Docket Number: 8306, 8233, 8314, 8428,8310.

2) I have not been legally notified personally or publicly and a associate just stumble across it on the internet. We have not been notified and most the people contacted have not received a notice and more time is need to consult legal assistant and advice.

3) We object further to this notice also because there never was a legal vote on the plan the only attempt was with counterfeit ballots and violation of the election laws MCL 168.485. The plan of adjustment and confirmation of the plan was unconstitutional and deprived and denied us Basic Civil Right 42 USC 1983 and due process of law of the 5th and 14th Amendments of the Constitution of the United States.

2) We also objected to the impairment and diminishing the health care and pension benefits that is protected by Article 9 Section 24 Constitution of the State of Michigan and the 10th Amendment of the Federal Constitution.

3) The pension has double from two and half (21/2) billon to (41/2)

four and half to five (5 Billion) from 2012 to 2014.

4) We never had a hearing and as stated above no notice as well and this violated the Supreme Court Decision a person must have timely and adequate notice detailing the reasons for the notice and an effective opportunity to defend. Goldberg v. Kelly 397 U.S. 254 (1970) citing Armstrong v. Manzo, U.S. 545, 552 (1965).

5) We object and disagree with your letter because the so-called Recoupment and it doesn't apply to me or any other retirees and/or pensioners because there no grounds to recoup. The word recoupment means "It is keeping back something which is due because there is an equitable reason to withhold it; and is uniformly applied where a man bring an action for breach of a contract between him and the defendant; and where the latter can show that some stipulation in the same contract was made by the plaintiff, which he has violated, the defendant may, if he choose, instead of suing in his turn, recoupe his damages arising from the breach committed by the plaintiff. Ives v. Van Eppes 22 Wend, N.Y. 156. And see Barber v. Chapin, 28 Vt. 413 Black's Law Dictionary revised 4th Edition. We don't owe anything and have not agree to pay anything and their is no contract of recoupment.

WHEREFORE and all the above facts and law we Object to this notice Section 105(a), 502(c) and Bankruptcy Rule 3021 and request that this notice be voluntary rescinded, withdrawn or cancel or be declared null and void because of its failure to be presented in good faith manner and failure to comply with the Bankruptcy Rules and code and contravening due process of the law.

Sincerely submitted

Frank C. Carter
Name interest party/creditor/objector

Address: 18575 SARATOGA BLVD.

City and state LATHRUP VILLAGE, MICHIGAN 48076

Date 4-1-15

United States Bankruptcy Court

EASTERN District Of MICHIGAN

In re KENNETH C. CARTER

Set forth here all names including married, maiden, and trade names used by debtor within last 6 years.]

Debtor Creditor

Address 18575 SHERBOURNE

CATNRUP VILLAGE, MICH. 48076

Employer's Tax Identification (EIN) No(s). *[if any]*: _____

Last four digits of Social Security No(s): _____

Case No. 13-~~53576~~ 53846-tjt

Chapter 9

NOTICE OF MOTION TO | OBJECTION TO |

KENNETH C. GOTE has filed papers with the court to [relief sought in motion or objection].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], then on or before (date), you or your attorney must:

[File with the court a written request for a hearing {or, if the court requires a written response, an answer, explaining your position} at: United State Bar

{address of the bankruptcy clerk's office}

United State Bankruptcy
211 W. Fort Suite 2100
Detroit Michigan 48226

If you mail your {request}{response} to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

{movant's attorney's name and address}

{names and addresses of others to be served}]

City of Detroit
Corporation Council
First National Building
600 Woodward Ave
Detroit Michigan 48226

[Attend the hearing scheduled to be held on (date) , (year) , at a.m./p.m. in Courtroom , United States Bankruptcy Court, {address}.]

[Other steps required to oppose a motion or objection under local rule or court order.]

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 4-1-15

Signature:  

Name: KENNETH C. CARTER

Address: 18575 SARATOGA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED (I)

2015 APR 14 P 3: 32

U.S. BANKRUPTCY COURT
E.D. MICHIGAN DETROIT

Carl Williams
Name
v

In re:
CITY OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D. ORR

Chapter 9
Case No. 13-53846
Magistrate judge:
Thomas J. Tucker

Debtor
_____/

PROOF OF SERVICE

Carl Williams, being first duly sworn deposes and

Say that on April 9th 2015. I sent a copy of Notice of motion of the City of Detroit, pursuant to section 105(a) and 502 (c) of the bankruptcy code and Rule 3021 for order approving reserve amount for certain disputed or unliquidated unsecured claims in connection with distributions to be made under the Eighth amended plan of adjustment of the city of Detroit of Magistrate Judge Thomas J Tucker, upon the concern parties by certified mail at the following address:

Heather Lennox (OH 0059649
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl Williams